

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Edward Tsigel	Team: Squad #4	CCRB Case #: 202001807	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Sunday, 02/23/2020	Location of Incident: Knickerbocker Avenue and Schaefer Street	Precinct: 83	18 Mo. SOL 8/23/2021	EO SOL 4/9/2022	
Date/Time CV Reported Tue, 02/25/2020 10:02 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 02/25/2020 10:02 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT William Mansour	04183	953046	083 PCT
2. POM Zakie Karimzada	13358	960745	083 PCT
3. POF Abiola Errico	05701	947308	083 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Matthew Varela	16583	964329	083 PCT
2. POM Jonathan Martinez	20330	958881	083 PCT
3. POM Duane Seaton	24810	962791	083 PCT
4. POM Teddy Cuello	22508	962899	083 PCT
5. POM Alexander Mignone	15350	956932	083 PCT
6. POM Alexander Leon	16065	949885	083 PCT
7. LSA Daniel Lacalamita	00000	935146	083 PCT
8. POF Savanna Domenech	03919	960470	083 PCT
9. POM Christian Romero	08122	957100	083 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT William Mansour	Abuse: Sergeant William Mansour stopped the vehicle in which § 87(2)(b) § 87(2)(b) § 87(2)(b), and § 87(2)(b) were occupants.	
B.POM Zakie Karimzada	Abuse: Police Officer Zakie Karimzada stopped the vehicle in which § 87(2)(b) § 87(2)(b) § 87(2)(b), and § 87(2)(b) were occupants.	
C.SGT William Mansour	Abuse: Sergeant William Mansour questioned § 87(2)(b) § 87(2)(b)	
D.POM Zakie Karimzada	Abuse: Police Officer Zakie Karimzada questioned § 87(2)(b) § 87(2)(b)	
E.SGT William Mansour	Discourtesy: Sergeant William Mansour spoke discourteously to § 87(2)(b) § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
F.POM Zakie Karimzada	Force: Police Officer Zakie Karimzada hit § 87(2)(b) against a vehicle.	
G.POM Zakie Karimzada	Force: Police Officer Zakie Karimzada used physical force against § 87(2)(b)	
H.SGT William Mansour	Abuse: Sergeant William Mansour frisked § 87(2)(b)	
I.SGT William Mansour	Abuse: Sergeant William Mansour searched § 87(2)(b)	
J.POM Zakie Karimzada	Abuse: Police Officer Zakie Karimzada searched § 87(2)(b)	
K.POM Zakie Karimzada	Abuse: Police Officer Zakie Karimzada searched § 87(2)(b)	
L.SGT William Mansour	Abuse: Sergeant William Mansour searched the vehicle in which § 87(2)(b) § 87(2)(b), and § 87(2)(b) were occupants.	
M.POM Zakie Karimzada	Abuse: Police Officer Zakie Karimzada searched the vehicle in which § 87(2)(b) § 87(2)(b), and § 87(2)(b) were occupants.	
N.SGT William Mansour	Abuse: Sergeant William Mansour interfered with § 87(2)(b)'s use of a recording device.	
O.POF Abiola Errico	Abuse: Police Officer Abiola Errico did not process § 87(2)(b)'s complaint regarding officers.	

Case Summary

On February 25, 2020, § 87(2)(b) called the CCRB and filed this complaint on behalf of himself, § 87(2)(b) and § 87(2)(b).

On February 23, 2020, at 12 AM, § 87(2)(b) and § 87(2)(b) were pulled over by Sergeant William Mansour and Police Officer Zakie Karimzada, both of the 83rd precinct, at the corner of Knickerbocker Avenue and Schaefer Street in Brooklyn (**Allegations A and B – Abuse of Authority – § 87(2)(g)**). Sgt. Mansour questioned § 87(2)(b) and PO Karimzada questioned § 87(2)(b) (**Allegations C and D – Abuse of Authority – § 87(2)(g)**). Sgt. Mansour spoke discourteously to § 87(2)(b) (**Allegation E – Discourtesy – § 87(2)(g)**). PO Karimzada allegedly slammed § 87(2)(b) against a vehicle and punched him multiple times (**Allegations F and G – Force – § 87(2)(g)**). Sgt. Mansour frisked and searched § 87(2)(b) and PO Karimzada searched § 87(2)(b) and § 87(2)(b) (**Allegations H to K – Abuse of Authority – § 87(2)(g)**). Sgt. Mansour and PO Karimzada searched § 87(2)(b)'s vehicle (**Allegations L and M – Abuse of Authority – § 87(2)(g)**). Sgt. Mansour allegedly interfered with § 87(2)(b)'s cell phone recording (**Allegation N – Abuse of Authority – § 87(2)(g)**). § 87(2)(b) and § 87(2)(b) were arrested and transported to the 83rd Precinct stationhouse.

§ 87(2)(b) and § 87(2)(b) then drove to the 83rd Precinct stationhouse. § 87(2)(b) requested Police Officer Abiola Errico, of the 83rd precinct, to make a complaint against Sgt. Mansour and PO Karimzada. PO Errico failed to properly assist § 87(2)(b) in making a civilian complaint (**Allegation O – Abuse of Authority – § 87(2)(g)**).

§ 87(2)(b) was arrested and released with a summons for § 87(2)(b) (BR 12); § 87(2)(b) was arrested and released with a summons for § 87(2)(b) (BR 13); and § 87(2)(b) received a summons for § 87(2)(b) (BR 13).

The CCRB received 11 Body Worn Camera (BWC) videos (IA 69-79), 4 cell phone videos (IA 25-28), and 2 stationhouse house surveillance videos (IA 38, 39).

Findings and Recommendations

Allegation (A) Abuse of Authority: Sergeant William Mansour stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

Allegation (B) Abuse of Authority: Police Officer Zakie Karimzada stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

It is undisputed that § 87(2)(b) (BR 03) double parked his car on the corner of Knickerbocker Avenue and Schaefer Street on February 23, 2020. § 87(2)(b) (BR 05), § 87(2)(b) (BR 06), § 87(2)(b) and § 87(2)(b) were all inside of his vehicle. § 87(2)(b) provided a photo (BR 07) of how his vehicle was positioned during this incident. At approximately 12:00 AM Sgt. Mansour and PO Karimzada pulled up in front of § 87(2)(b)'s vehicle and conducted a vehicle stop.

The investigation did not obtain statements from § 87(2)(b) (BR 01) or § 87(2)(b) (BR 02) because they either did not want to participate in this complaint or were unavailable.

Sgt. Mansour (BR 08) and PO Karimzada (BR 09) both stated that they pulled over § 87(2)(b) because he was double parked.

New York State Vehicle Traffic Law 1202 (a) 1 (BR 10) states that no person shall stop, stand, or park a vehicle on the roadway side of any vehicle stopped, standing, or parked at the edge or curb of a street.

§ 87(2)(g)

Allegation (C) Abuse of Authority: Sergeant William Mansour questioned § 87(2)(b)

Allegation (D) Abuse of Authority: Police Officer Zakie Karimzada questioned § 87(2)(b)

Allegation (E) Discourtesy: Sergeant William Mansour spoke discourteously to § 87(2)(b)

After Sgt. Mansour and PO Karimzada conducted the vehicle stop, Sgt. Mansour approached the driver side and PO Karimzada approached the passenger side. § 87(2)(b) was in the driver seat and § 87(2)(b) was in the front passenger seat. § 87(2)(b) (BR 03) and § 87(2)(b) (BR 06) alleged that Sgt. Mansour asked § 87(2)(b) if there was any marijuana in the car and if they had smoked marijuana in the car. Additionally, PO Karimzada asked § 87(2)(b) if he was hiding anything and then asked him to lift his backpack off the floorboard of the front passenger seat. PO Karimzada pointed out to § 87(2)(b) that he saw green flakes on the floorboard. § 87(2)(b) also alleged that Sgt. Mansour told § 87(2)(b) that he could be an asshole to him and told him to shut the fuck up.

Sgt. Mansour (BR 08) and PO Karimzada (BR 09) both stated that they smelled marijuana upon approaching § 87(2)(b)'s vehicle and then saw a green vegetative substance on the floorboard which they believed to be marijuana. Sgt. Mansour and PO Karimzada did not have any conversation with each other about their observations of marijuana. Neither officer remembered if they asked any of the passengers about the marijuana but stated that they would have asked about it because they smelled and saw what appeared to be marijuana. Both officers denied that they used any profanities or heard any other officers use any profanities.

Neither BWC footage (IA 69-79) nor the cell phone video's provided by § 87(2)(b) (IA 25-28) capture any of the alleged questioning or discourtesies mentioned above.

Sgt. Mansour was shown from 0:00 to 0:20 of his § 87(2)(b)'s cell phone video (BR 11) in which he is heard saying "I could just write you a ticket and be a dick." Sgt. Mansour (BR 08) acknowledged that he made this statement and stated that he was referring to himself when he said "dick." He was trying to explain that he could have written a summons without further investigation but chose not to.

Patrol Guide Procedure 212-11 (BR 14) states that an officer may ask a civilian an accusatory question if the officer has at minimum founded suspicion that criminal activity is afoot. Founded suspicion arises when there is a present indication of criminality based on observable conduct or information. Reasonable suspicion exists when the information known to the member of the service would make an ordinarily prudent and cautious police officer under the circumstances believe criminal activity is at hand. The officer must have a particularized and objective basis for suspecting the person stopped of the criminal conduct.

New York State Penal Law 221 (BR 15) states that possession of varying amount of marijuana constitutes violations, misdemeanors, or felonies.

Patrol Guide Procedure 200-02 (BR 16) states that the department is committed to treating every citizen with compassion, courtesy, professionalism, and respect. Officers are expected to maintain a higher standard of integrity than is generally expected of others.

§ 87(2)(g)

Allegation (F) Force: Police Officer Zakie Karimzada hit § 87(2)(b) against a vehicle.
Allegation (G) Force: Police Officer Zakie Karimzada used physical force against § 87(2)(b).

§ 87(2)(b) (BR 06) stated that PO Karimzada told him to exit the vehicle and place his hands on the roof of the car and he did so. PO Karimzada grabbed him on the back of neck and on his left wrist and patted him down on the pants. § 87(2)(b) pulled his wrist away, took out his phone from his pocket, threw it to § 87(2)(b) and told him to record. PO Karimzada proceeded to pull § 87(2)(b) off of the car and attempt to throw him to the ground by making a tripping motion with his foot, that he avoided. PO Karimzada punched § 87(2)(b) in his left rib cage three to four times. Sgt. Mansour came from the passenger side of the car and assisted PO Karimzada in restraining § 87(2)(b) by handcuffing his hands behind his back. § 87(2)(b) sustained scratches on the back of his neck and minor bruises because of this altercation.

§ 87(2)(b) (BR 03) stated that PO Karimzada told § 87(2)(b) to exit the vehicle and he did so and then PO Karimzada frisked § 87(2)(b). § 87(2)(b) started to resist PO Karimzada by telling him that he had no right to search him, and then § 87(2)(b) placed his hands in front of his chest in a “high five” motion and shoved PO Karimzada away. PO Karimzada grabbed § 87(2)(b), attempted to trip him with his foot, pushed him, slammed him against the vehicle, and punch § 87(2)(b) two to three times in the stomach with his right fist. Sgt. Mansour then rushed to the passenger side of the vehicle and assisted PO Karimzada in restraining § 87(2)(b) by handcuffing his hands behind his back. The officers then briefly placed § 87(2)(b) in the passenger seat of § 87(2)(b)'s vehicle during which his head hit the roof of the car.

§ 87(2)(b) (BR 05) stated that PO Karimzada told § 87(2)(b) to exit the vehicle and then he opened the car door and pulled § 87(2)(b) out of the vehicle. PO Karimzada then pushed § 87(2)(b) against the vehicle, frisked him below the torso, and searched his front and back pant pockets. PO Karimzada attempted to trip § 87(2)(b) by swiping his foot and pushing § 87(2)(b). PO Karimzada then punched § 87(2)(b) once in the back with his right fist. § 87(2)(b) then turned around and PO Karimzada punched him in the stomach three times with his right fist. Sgt. Mansour then rushed to the passenger side of the vehicle and assisted PO Karimzada in restraining § 87(2)(b) by handcuffing his hands behind his back.

It is undisputed that additional officers arrived to the scene and § 87(2)(b) was placed in a police vehicle. § 87(2)(b) got out of the vehicle and refused to obey Sgt. Mansour's orders to get back in and was subsequently arrested by Sgt. Mansour and placed in a police vehicle. § 87(2)(b) and § 87(2)(b) were transported to the 83rd precinct stationhouse.

PO Karimzada (BR 09) stated that he asked § 87(2)(b) to exit the vehicle and attempted to frisk § 87(2)(b) but was unable to because § 87(2)(b) was yelling at him and would not turn around when asked to do so. § 87(2)(b) pushed PO Karimzada away. PO Karimzada grabbed § 87(2)(b) and attempted to gain compliance to place him under arrest for obstruction of governmental administration (OGA). PO Karimzada grabbed § 87(2)(b)'s hands and handcuffed them behind his back. PO Karimzada did not punch § 87(2)(b) or hit him against the car. Sgt. Mansour (BR 08) came to the passenger side from the driver side of the vehicle and helped PO Karimzada place § 87(2)(b) in handcuffs by grabbing and holding § 87(2)(b)'s hands while PO Karimzada handcuffed him. Sgt. Mansour did not see PO Karimzada punch § 87(2)(b) or hit him against the car at any point.

§ 87(2)(b)'s cell phone video [1:05-2:07] (BR 11), Sgt. Mansour's BWC [0:50-2:10] (BR 17), and PO Karimzada's BWC [0:00-1:35] (BR 18) video's provide different angles of the initial physical altercation between PO Karimzada and § 87(2)(b). Between 1:35 to 1:50 of § 87(2)(b)'s cell phone video (BR 11), it appears that PO Karimzada and § 87(2)(b) are involved in pushing and pulling for approximately five seconds. None of the available footage provides a clear angle of what occurred. § 87(2)(b) is seen hitting his back against § 87(2)(b)'s vehicle; however, it is unclear if this was caused by PO Karimzada. PO Karimzada is not seen punching § 87(2)(b) at any point throughout any of the footage.

There was no Threat, Resistance, or Injury (TRI) Worksheet prepared for this incident (BR 19)

§ 87(2)(g)

Allegation (H) Abuse of Authority: Sergeant William Mansour frisked § 87(2)(b)
Allegation (I) Abuse of Authority: Sergeant William Mansour searched § 87(2)(b)
Allegation (J) Abuse of Authority: Police Officer Zakie Karimzada searched § 87(2)(b)
Allegation (K) Abuse of Authority: Police Officer Zakie Karimzada searched § 87(2)(b)
Allegation (L) Abuse of Authority: Sergeant William Mansour searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

Allegation (M) Abuse of Authority: Police Officer Zakie Karimzada searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

§ 87(2)(b) (BR 03), stated that Sgt. Mansour and PO Karimzada asked all of the remaining passengers to exit the vehicle. Sgt. Mansour frisked and searched § 87(2)(b) and PO Karimzada searched § 87(2)(b) and § 87(2)(b). After they searched the passengers, Sgt. Mansour and PO Karimzada searched the entirety of § 87(2)(b)'s car. A small amount of marijuana was discovered in § 87(2)(b)'s bag during the vehicle search. The passengers were then asked to get back in the vehicle. § 87(2)(b) was issued a summons for possession of marijuana. All the officers then left the scene.

Sgt. Mansour (BR 08) asked the remaining passengers to exit the vehicle. Sgt. Mansour frisked § 87(2)(b) on the waistband to see if he had any marijuana or narcotics on him. He did not search any of § 87(2)(b)'s pockets. Sgt. Mansour and PO Karimzada searched § 87(2)(b)'s entire vehicle. Sgt. Mansour searched the vehicle because he believed that marijuana was in the car. Sgt. Mansour found a small bag or pill bottle of marijuana during the car search and § 87(2)(b) claimed it as his.

PO Karimzada (BR 09) did not remember frisking or searching any of the passengers or searching the vehicle. He was shown his BWC footage (BR 18) in which he is seen searching § 87(2)(b) and the entirety of § 87(2)(b)'s vehicle. He stated that viewing the footage did not refresh his memory of searching the passengers or the vehicle.

Between 2:45 and 13:00 of Sgt. Mansour's BWC video (BR 17), Sgt. Mansour asks § 87(2)(b) to exit his vehicle. § 87(2)(b) tells Sgt. Mansour that he can search him and go into his pockets. Sgt. Mansour frisks § 87(2)(b). It cannot be seen if Sgt. Mansour ever enters § 87(2)(b)'s pockets. Sgt. Mansour searches the entirety of § 87(2)(b)'s vehicle. Between 9:40 and 11:00, Sgt. Mansour finds marijuana in § 87(2)(b)'s bag and § 87(2)(b) tells Sgt. Mansour that the marijuana belongs to him. Between 2:00 and 14:10 of PO Karimzada's BWC video (BR 18), PO Karimzada searches § 87(2)(b) and the entirety of § 87(2)(b)'s vehicle.

In **People v. Chestnut, 43 A.D.2d 260** (BR 20), the Supreme Court of New York held that where there is a reasonable belief before the search of an automobile begins that the automobile contains contraband or evidence of crime, this constitutes probable cause and a search of the vehicle may lawfully proceed without a warrant. Similarly, a warrant is unnecessary to search the occupants of the vehicle where there is probable cause to believe that they are guilty of a crime rather than merely a simple traffic infraction. The smell of marijuana, with nothing more, can be sufficient to provide officers with probable cause to search an automobile and its occupants.

§ 87(2)(g)

§ 87(2)(g)

Allegation (N) Abuse of Authority: Sergeant William Mansour interfered with § 87(2)(b)'s use of a recording device.

§ 87(2)(b) (BR 03) stated that while Sgt. Mansour and PO Karimzada were conducting the searches of the occupants, § 87(2)(b) was recording on his cell phone. Sgt. Mansour told § 87(2)(b) to put away the cell phone and then he grabbed the cell phone and slammed it on top of § 87(2)(b)'s car.

From 3:40 to 3:55 of Sgt. Mansour's BWC (BR 17) footage, Sgt. Mansour tells § 87(2)(b) to put his phone away and exit the vehicle. § 87(2)(b) exits the vehicle and continues recording. Sgt. Mansour says, "What did I just tell you" and a light impact sound is heard. Sgt. Mansour says, "It's still recording, that's fine." § 87(2)(b)'s phone cannot be seen when the impact sound is heard, and it is unclear what the impact sound is from. 1:25 to 1:41 of § 87(2)(b)'s cell phone recording 4/4 (BR 21) is consistent with Sgt. Mansour's BWC and provides a different angle. The recording is turned off immediately as the cell phone is placed on top of the car. Neither video shows if Sgt. Mansour slammed the cell phone on the car or interfered with the recording in anyway, or if § 87(2)(b) turned off the recording himself. Video footage does not show who took § 87(2)(b)'s phone. Between 13:00 and 13:30 of Sgt. Mansour's BWC (BR 17) footage, § 87(2)(b) is sitting in the front passenger seat and asks Sgt. Mansour where his phone is. Sgt. Mansour tells § 87(2)(b) that his phone is on the front passenger seat where he is sitting. It cannot be seen if any officer ever takes § 87(2)(b)'s phone.

Sgt. Mansour (BR 08) stated that he told § 87(2)(b) that he could not have his cell phone in his hands but was free to set up the phone against the window and continue recording. 3:40 to 4:00 of Sgt. Mansour's BWC (BR 17) footage shows that Sgt. Mansour did not say this to § 87(2)(b). Sgt. Mansour denied that he ever slammed § 87(2)(b)'s phone, or interfered with the recording in any way. PO Karimzada (BR 09) did not see Sgt. Mansour slam § 87(2)(b)'s phone or interfere with the recording in any way.

Patrol Guide Procedure 203-29 (BR 37) states that individuals have a right to lawfully observe and/or record police activity including, but not limited to detentions, searches, arrests or uses of force. This right can be limited if the individual videotaping/observing has committed a violation of the law. If neither exception is present officers are prohibited from threatening, intimidating, or otherwise discouraging an individual from recording (Board Review 11).

§ 87(2)(g)

Allegation (O) Abuse of Authority: Police Officer Abiola Errico did not process § 87(2)(b)'s complaint regarding officers.

Sgt. Mansour and PO Karimzada issued § 87(2)(b) a summons for § 87(2)(b) (BR 13). § 87(2)(b) (BR 04), § 87(2)(b) and § 87(2)(b) drove to the 83rd Precinct stationhouse. § 87(2)(b) and § 87(2)(b) walked into the stationhouse and spoke to PO Errico at the front desk. § 87(2)(b) requested to make a complaint against Sgt. Mansour and PO Karimzada. It is undisputed that PO Errico (BR 22) provided § 87(2)(b) with a handwritten note including the numbers 311 and the CCRB telephone number (BR 23) and told him to call those numbers. PO Errico did not offer § 87(2)(b) a complaint form or offer to file his complaint on his behalf. PO Errico did not provide any additional information to § 87(2)(b) about making a complaint.

Furthermore, PO Errico (BR 22) stated that she did not know that a CCRB complaint form existed and that she could not file a complaint on someone's behalf. From her knowledge, when someone requests to file a complaint against an officer she only needs to provide them with the CCRB telephone number.

Patrol Guide Procedure 207-31 (BR 25) states that when a civilian requests to make a complaint alleging misconduct by a uniformed member of service, in person, the responsible member of service must interview the complainant, provide the complainant a Civilian Complaint Report to be filled out, and have them sign the form. The member of service must then notify the CCRB of the complaint within 24 hours of the complaint being made.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to one other CCRB complaint and was named as a victim in five allegations (BR 26):
 - § 87(2)(b)
- § 87(2)(b) has been party to one other CCRB complaint and was named as a victim in two allegations (BR 27):
 - § 87(2)(b)
- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR 28).
- § 87(2)(b) has been party to one other CCRB complaint and was named as a victim in two allegations (BR 29):
 - § 87(2)(b)
- § 87(2)(b) has been party to one other CCRB complaint and was named as a victim in two allegations (BR 30):
 - § 87(2)(b)
- Sergeant William Mansour has been a member of service for eight years and has been a subject in eight other CCRB complaints and nineteen allegations, none of which were substantiated.

§ 87(2)(g)
- Police Officer Zakie Karimzada has been a member of service for five years and has been a subject in six other CCRB complaints and seventeen allegations, none of which were substantiated. § 87(2)(g)
- Police Officer Abiola Errico has been a member of service for twelve years and has been a subject in seven other CCRB complaints and nine allegations of which one was substantiated.
 - 201807050 involved a substantiated allegation of detaining an individual against PO Errico. The Board recommended Command Discipline - B and the NYPD imposed Command Discipline - B.
 - § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) and § 87(2)(b) declined to mediate this complaint.
- As of May 27, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (BR 31).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: 4

Investigator:	<u>Edward Tsigel</u>	<u>Investigator Edward Tsigel</u>	<u>5/28/21</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Raquel Velasquez</u>	<u>IM Raquel Velasquez</u>	<u>5/28/2021</u>
	Signature	Print Title & Name	Date

Reviewer:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date